

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

FILED

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KAREEM PERRY,

Plaintiff,

-v-

GLENN S. GOORD, Former Commissioner, et al.,
Defendants.

U.S. DISTRICT COURT
W.D.N.Y. - BUFFALO

06-CV-0828E

MEMORANDUM and ORDER

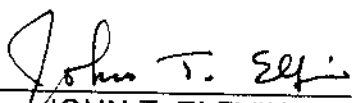
On March 5, 2007, the Court entered a Decision and Order granting plaintiff's application to proceed *in forma pauperis*, and directing the Clerk of the Court to cause the U.S. Marshals Service to serve the summons and complaint on defendants. To date, it appears that the defendants have not been served as directed, and on June 20, 2007, the Court received a letter from plaintiff advising the Court that defendants have not been served and that he has been informed by the Marshals Service that it did not receive a copy of the Court's Order directing service.

Accordingly, plaintiff's time to serve the summons and complaint is extended an additional 120 days, see Fed.R.Civ.P. 4(m); see also *Moore v. Jackson*, 123 F.3d 1082, 1085-86 (8th Cir. 1997) (If a *pro se* prisoner provides the information necessary to identify the defendant, courts have uniformly held that the Marshals' failure to effect service automatically constitutes good cause within the meaning of Fed.R.Civ. 4(m)), and the Clerk of the Court is again directed to cause the U.S. Marshals Service to serve the summons and complaint on defendants forthwith. The Clerk of the Court is further directed to issue

summonses and complete the U.S. Marshal Process Receipt and Return Forms (USM-285).

SO ORDERED.

DATED: Buffalo, New York
June 27, 2007



JOHN T. ELFVIN
UNITED STATES DISTRICT JUDGE